

ENTERED

October 28, 2022

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LANDRY'S, INC., as successor in interest
to LANDRY'S MANAGEMENT, L.P.,

Plaintiff,

v.

THE INSURANCE COMPANY OF
THE STATE OF PENNSYLVANIA,

Defendant.

CIVIL ACTION NO.
4:18-CV-02679

ORDER

Came for consideration this day the Parties' Agreed Joint Motion to Dismiss (the "Motion"). Upon review of the Motion, the Court is of the opinion that it should be **GRANTED**.

It is, therefore, **ORDERED** that all claims alleged in this lawsuit by Plaintiff Landry's Inc., as successor in interest to Landry's Management, L.P. ("Landry's") related to the reimbursement of defense costs incurred prior to June 30, 2022 in the underlying Paymentech Lawsuit,¹ including Landry's claims for breach of contract, declaratory relief, extra-contractual claims, statutory claims (including claims brought under the Texas Insurance Code and the Texas Civil Practice and Remedies Code), and claims for attorneys' fees, costs and interested related to same, are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that all claims alleged in this lawsuit by Landry's related to the reimbursement of defense costs incurred after June 30, 2022 in the underlying Paymentech Lawsuit, including claims for breach of contract, declaratory relief, extra-contractual claims,

¹ This refers to the lawsuit styled *Paymentech, LLC and JPMorgan Chase Bank, N.A. v. Landry's, Inc. as Successor-In-Interest to Landry's Management, LP*, Case No. 4:18-cv-01622 in the United States District Court for the Southern District of Texas, Houston Division (the "Paymentech Lawsuit").

statutory claims (including claims brought under the Texas Insurance Code and the Texas Civil Practice and Remedies Code), and claims for attorneys' fees and interested related to same, are **DISMISSED WITHOUT PREJUDICE**

The parties shall each bear its own costs.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 27th day of October, 2022.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

Agreed as to form and substance:

/s/ Micah E. Skidmore

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